IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORIGINAL SIDE

APPEAL NO.112 OF 1999
IN
WRIT PETITION NO.938 OF 1998

Air-India Ltd.
Backbay Reclamation
Nariman Point,
Mumbai 400 021. Appellant
(original Respondent)

vs.

Mrs. Nisha Karande
2105/06, Stellar Tower,
Lokhandwala Complex,
Andheri (West),
Mumbai 400 053. Respondent
(original Petitioner)

Mr.S.K.Talsania with Ms.Pooja Kulkarni i/b. M/s.Bhasin & Co. for the appellant.

Mr.Mohan Beer Singh for the respondent.

CORAM : R. M. LODHA &
J.P. DEVADHAR,JJ.

DATED : 1st October 2004

ORAL JUDGMENT (Per R.M. Lodha,J.)

Heard Mr.S.K.Talsania, the learned counsel for the appellant and Mr.Mohan Beer Singh, the learned counsel for the respondent.

2. In the impugned judgment, the learned Single Judge referred to the written arguments submitted by the present appellant - Air India (respondent therein) and it was observed that Air India fairly conceded that the passage benefits have been given to the pilots who retired on the ground of medical unfitness and were granted annuity in terms of the Khosla Award. The said observation of the learned Single Judge in the impugned

judgment is not under challenge before us. If the passage benefits have been given to the pilots who on completion of 15 years service retired on the ground of medical unfitness and were granted annuity in terms of Khosla Award, obviously there was no justification for the discriminatory treatment being given to the employee (present respondent) and deny her the benefits of free/concessional passages. The present respondent belongs to the category of pilots who had completed 15 years of service and was declared medically unfit for flying duties and was granted annuity in terms of Khosla Award. When other pilots who had completed 15 years of service and were declared medically unfit for flying duties and who were granted annuity were accorded benefits of free/concessional passage, it has to be held that such pilots were treated by Air India having retired permanently due to medical unfitness and covered by clause (f) of Regulation 3.1 of Air India Employees Service Regulations. The present employee, therefore, has to be treated accordingly and not differently.

3. In view thereof, appeal fails and is dismissed. No costs.

(R.M. LODHA,J.)

(J.P. DEVADHAR,J.)